



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

FEB 13 2015

Sarah Jones  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, California 94103

Subject: Draft Environmental Impact Report / Environmental Impact Statement for the Sunnydale-Velasco HOPE SF Master Plan, San Francisco, California (CEQ# 20140358)

Dear Ms. Jones:


The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

Based on the Draft Environmental Impact Statement, EPA understands that the existing housing stock in the Sunnydale and Velasco public housing complexes is substantially deteriorated, does not comply with current building standards, and is isolated from surrounding neighborhoods by the street network. The Draft EIS proposes the replacement of all 785 housing units by 1,700 new units – including one-for-one public housing replacement units and a mix of other rental and for-sale units – as well as new community and retail facilities, transportation and water infrastructure, and open space. EPA applauds the integration of sustainability principles into the project design, construction and operation, including plans to meet Leadership in Energy and Environment Design for Neighborhood Development standards.

Based on our review, we have rated the Draft EIS as *Lack of Objections (LO)* (see enclosed “Summary of Rating Definitions”). While we do not have objections to the project, we offer recommendations in our enclosed detailed comments to further: reduce air emissions from construction, protect children from truck traffic, mitigate traffic congestion, disclose environmental justice impacts, promote environmental sustainability and ensure that NEPA analysis is robust and complete.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or contact Jen Blonn, the lead reviewer for this project, at 415-972-3855 or blonn.jennifer@epa.gov.

Sincerely,

  
Kathleen Martyn Goforth, Manager  
Environmental Review Section

Enclosure: Summary of EPA Rating Definitions  
EPA's Detailed Comments

cc: Ernest Molins, Regional Environmental Officer, U.S. Department of Housing and Urban  
Development

## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***“LO” (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***“EC” (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***“EO” (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***“EU” (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***Category “1” (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***Category “2” (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***Category “3” (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

### **Construction Air Quality**

The project site is located in the San Francisco Bay Area Air Basin, which is designated as a nonattainment area for the 8-hour ozone and 24 hour PM<sub>2.5</sub> National Ambient Air Quality Standards. Sensitive receptors, such as children and elderly people, would be located in the project area during both construction and operational phases. Given existing air quality challenges and the presence of sensitive receptors, EPA strongly encourages the San Francisco Planning Department and the U.S. Department of Housing and Urban Development to require all feasible measures to avoid, reduce and mitigate construction impacts to air quality. Mitigation Measure M-AQ-1 states that off-road engines must meet or exceed Tier 3 off-road emission standards. Major infrastructure projects, such as the California High-Speed Rail project, are requiring Tier 4 engines, to the extent that they are available. We strongly encourage the San Francisco Planning Department and HUD to do the same.

### **Recommendations for the Final EIS**

#### *Mobile and Stationary Source Controls:*

- Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- Commit to the best available emissions control technologies for project equipment.
  - *On-Highway Vehicles:* On-highway vehicles used for this project should meet or exceed the U.S. EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).<sup>1</sup>
  - *Nonroad Vehicles & Equipment:* Nonroad vehicles and equipment used for this project should meet or exceed the U.S. EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-ignition engines (e.g., construction equipment, nonroad trucks, etc.).<sup>2</sup>
  - *Low Emission Equipment Exemptions:* The equipment specifications outlined above should be met unless: 1) a piece of specialized equipment is not available for purchase or lease within the U.S.; or 2) the relevant project contractor has been awarded funds to retrofit existing equipment, or purchase/lease new equipment, but the funds are not yet available.

#### *Advanced Technology Demonstration & Deployment:*

- Demonstrate and deploy heavy-duty technologies that exceed the latest U.S. EPA emission performance standards for the equipment categories that are relevant for this project (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.).

#### *Administrative controls:*

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<sup>1</sup> <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>

<sup>2</sup> <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>

- Specify the means by which the San Francisco Planning Department and HUD will minimize impacts to sensitive receptors, such as children and elderly and infirm individuals. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

### **Child Safety During Construction Activities**

Executive Order 13045 on the Protection of Children from Environmental Health Risks and Safety Risks directs each federal agency to make it a high priority to assess environmental health risks and safety risks that may disproportionately affect children and ensure that its policies, programs, activities and standards address disproportionate risks to children. Construction activities would result in temporary heavy truck traffic and altered transportation routes. Safety measures that offer additional protection to children who are walking in areas near construction activities should be included in the Construction Traffic Control Plan.

### **Recommendations for the Final EIS**

Augment Mitigation Measure M-TR-6 to state that the Construction Traffic Control Plan will:

- Identify and assess the potential safety risks of project construction to children, especially in areas where the project is located near homes, schools, daycare centers, youth recreation facilities or parks.
- Promote child safety within and near the project area. For example, crossing guards could be provided in areas where construction activities are located near schools, daycare centers, youth recreation facilities, or parks.
- Commit to establish truck traffic routes away from schools, daycares, and residences, or at a location with the least impact if those areas are unavoidable.

### **Traffic Congestion Mitigation**

Page 4.8-59 lists three mitigation measures that would require the project sponsor to make a fair share contribution toward roadway modifications if level-of-service declines at specific intersections. It is unclear whether level-of-service issues could, alternatively, be addressed through enhancing transit service. Further, the Draft EIS does not offer any measures to monitor or mitigate impacts to transit in case the project induces higher transit ridership than expected.

### **Recommendations for the Final EIS**

- Include a transportation mitigation measure to monitor transit. If induced ridership is higher than expected and significantly declines the quality of transit service, require the project sponsor to make a fair share contribution toward improving transit service.
- In addition to requiring the project sponsor to make a fair share contribution toward roadway improvements if needed, consider requiring the project sponsor to make a fair share contribution toward enhancing transit service to alleviate traffic, which could have the added benefit of reducing long term air emissions from vehicles.

### **Environmental Justice**

Page 4.6-3 states that the proposed project would not result in any significant and unavoidable project-level impacts and, therefore, disproportionate impacts to low-income and minority populations would not occur. This is inconsistent with Page 5-1, which states that the project would result in significant and unavoidable cumulative impacts to level-of-service at local intersections.

### **Recommendation for the Final EIS**

Analyze whether low income and minority populations would be disproportionately affected from transportation and traffic impacts from the proposed project. While drivers from other parts of San Francisco would pass through newly congested areas, it seems that those living near the project area would be most affected.

### **Sustainability**

EPA applauds the measures that the San Francisco Planning Department and HUD are taking to make this project environmentally sustainable, such as striving for Leadership in Energy and Environment Design for Neighborhood Development certification. EPA recommends taking additional measures, such as incorporating renewable energy into the site, addressing urban heat island effects, and promoting water efficiency. As the first national specification for water-efficient new homes, EPA's WaterSense New Home Specification sets criteria for indoor and outdoor efficiency, while allowing flexibility for regional landscaping preferences and green add-ons. Given the current drought in California and uncertainty over future water supply under climate change scenarios, we strongly encourage the San Francisco Planning Department and HUD to take all reasonable measures to conserve water.

In addition, President Obama issued a federal memorandum in June 2014 entitled *Creating a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators*<sup>3</sup> which directs federal agencies to take steps to protect and restore domestic populations of pollinators. To help achieve this goal, the Council on Environmental Quality issued an addendum to its sustainable landscape guidance on October 22, 2014 entitled *Supporting the Health of Honey Bees and other Pollinators*<sup>4</sup> which provides guidance to help federal agencies incorporate pollinator friendly practices in new construction and landscaping improvements.

### **Recommendations for the Final EIS**

- Assess the feasibility, impacts and benefits of incorporating renewable energy, such as roof-top solar, into the project design. Renewable energy could reduce or avoid the need for onsite natural gas and associated air emissions. If found to be feasible, add renewable energy components to the project alternatives.
- Analyze urban heat island effects from the proposed development, and consider strategically placing trees, selecting appropriate building materials and/or adding green roofs on select buildings to minimize effects.
- Assess the feasibility and benefits of developing the project to meet EPA's WaterSense New Home Specification.<sup>5</sup>
- Include a landscape plan that promotes pollinator-friendly plant species and incorporates pollinator-friendly practices into site landscape requirements, particularly regarding the use of pesticides, and ensure all maintenance personnel are made aware of these practices.

### **Scope of the National Environmental Policy Act Evaluation**

The Draft EIS states that numerous environmental resource impacts are not covered under NEPA and are only evaluated under the California Environmental Quality Act portion of the combined Draft Environmental Impact Report/ Draft EIS. We believe the scope of NEPA analyses is broader than the Draft EIS suggests. The Council on Environmental Quality NEPA Regulations require the

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<sup>3</sup> See <http://www.whitehouse.gov/the-press-office/2014/06/20/presidential-memorandum-creating-federal-strategy-promote-health-honey-b>

<sup>4</sup> See [http://www.whitehouse.gov/sites/default/files/docs/supporting\\_the\\_health\\_of\\_honey\\_bees\\_and\\_other\\_pollinators.pdf](http://www.whitehouse.gov/sites/default/files/docs/supporting_the_health_of_honey_bees_and_other_pollinators.pdf)

<sup>5</sup> See [http://www.epa.gov/watersense/new\\_homes/building.html](http://www.epa.gov/watersense/new_homes/building.html)

environmental consequences section of an EIS to discuss both direct and indirect environmental effects and their significance (40 CFR 1502.16). It is unclear why certain environmental effects are excluded from the NEPA analysis for this project, such as (1) criteria pollutant impacts during operations, (2) air toxics contaminants, (3) effects of hazardous materials on schools, (4) paleontological resources, among many others. Environmental impact areas that are not covered under NEPA for this project are commonly covered within other EISs.

#### **Recommendations for the Final EIS**

Please revisit the rationales for determining whether environmental impact assessments are covered under NEPA. Each time the document concludes that an evaluation is not covered under NEPA, please provide a thorough explanation.

#### **Greenhouse Gases and Climate Change**

On December 18, 2014, the Council on Environmental Quality released revised draft guidance for public comment that describes how Federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their NEPA reviews. The revised draft guidance supersedes the draft greenhouse gas and climate change guidance released by CEQ in February 2010. This guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated greenhouse gas emissions, and the implications of climate change for the environmental effects of a proposed action.

#### **Recommendation for the Final EIS**

Update the discussion of the Council on Environmental Quality's 2010 greenhouse gas and climate guidance on page 4.11-9 so that it reflects the 2014 guidance.<sup>6</sup>

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<sup>6</sup> The Council on Environmental Quality's new Greenhouse Gas and Climate Change Draft Guidance is available at: [http://www.whitehouse.gov/sites/default/files/docs/nepa\\_revised\\_draft\\_ghg\\_guidance\\_searchable.pdf](http://www.whitehouse.gov/sites/default/files/docs/nepa_revised_draft_ghg_guidance_searchable.pdf)